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In re Application of REBHAN et al
U.S. Application No.: 09/719,518
Int. Application No.: PCT/SE98/02378
Int. Filing Date: 18 December 1998
Priority Date: 19 December 1997
Attorney Docket No.: 3372-0106P
For: METHOD FOR TRANSFERRING
INFORMATION

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 December 2000.

BACKGROUND

On 18 December 1998, applicants filed international application PCT/SE98/02378, which claimed priority of an earlier Sweden application filed 19 December 1997. A copy of the international application was communicated to the USPTO from the International Bureau on 01 July 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 05 July 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 June 2000.

International application PCT/SE98/02378 became abandoned as to the United States at midnight on 19 June 2000 for failure to pay the basic national fee.

On 13 December 2000, applicants filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.



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